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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,481	12/05/2003	Barney P. Johnson	11929.001	3101
28309	7590	07/10/2009		
GARY K. PRICE			EXAMINER	
TERRELL, BAUGH, SALMON & BORN, LLP			LIEW, ALEX KOK SOON	
700 S. GREEN RIVER RD.				
SUITE 2000			ART UNIT	
EVANSVILLE, IN 47715			PAPER NUMBER	
			2624	
			MAIL DATE	
			DELIVERY MODE	
			07/10/2009	
			PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/729,481

**Applicant(s)**

JOHNSON, BARNEY P.

**Examiner**

ALEX LIEW

**Art Unit**

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

1. This action is in response to the RCE filed on 12/19/08.

2. **Response to applicant's arguments**

On page 4, the applicant stated: "Further regarding Claim 1, as amended calls for such that rotation of the non-planar surface about an axis produces an animated loop from the rows of said first and second images on center line. This limitation is not shown in any of the prior art. Suzuki does not show any movement of the non-planar surface and does not show rotation about an axis. Kay (used later by Examiner) does not show a series of images used to create an animated loop."

The examiner agrees that Suzuki (US pub no 2003/0012425) alone does not teach the amendment of claim 1. However, in a new search the examiner found Anderson (US pat no 5,365,294) in combination with Suzuki discloses the claimed invention of claim 1.

Suzuki discloses a method for creating variable size and variable resolution stereograms on a non-planar surface, said method comprising the steps of

selecting a first elemental image, said first image consisting of designs (see figure 15 row 241 has a first shaded design);

selecting a second elemental image, said second image consisting of design (see figure 15 the row below 210 has a second shaded design);

positioning a plurality of rows of the first image on an object having a non-planar surface (see figure 15, the designs on 241 is positioned with lenticular lens, 230, lenticular lens is curved), wherein said rows of the repeated first image differ from row to

row and are horizontally and differentially spaced apart (241 and 230 are Lv2 spaced apart); and

positioning a plurality of rows of the second image on an object having a non-planar surface (see figure 15, the designs on 210 is positioned with lenticular lens 220), wherein said rows of the repeated first image differ from row to row and are horizontally and differentially spaced apart (the design on the second row is spaced apart by  $V_m$ ). Suzuki does not disclose non-planar surface about an axis produces an animated loop from the rows of said first and second images on center line. Anderson reads on non-planar surface about an axis produces an animated loop from the rows of said first and second images on center line (see figures 1-3, showing plurality vertical partial images which make up the entire image of the object, figure 5 shows image is generated by rotating the cylindrical object). One skilled in the art would include such feature because to have a machine automatically rotate the cylindrical device without having the user wearing 3D glasses which allow the user to enjoy the 3D images more.

#### **Relevant art**

Collender (US pat no 3,178,720): Collender discloses non-planar surface about an axis produces an animated loop from the rows of said first and second images on center line (see column 4, line 57 to column 5, line 15 and figure 3).

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2 and 5-9 are rejected under U.S.C. 103(a) as being unpatentable over Suzuki (US pub no 2003/0012425) in view of Anderson (US pat no 5,365,294).

With regards to claim 1, Suzuki discloses a method for creating variable size and variable resolution stereograms on a non-planar surface, said method comprising the steps of

selecting a first elemental image, said first image consisting of designs (see figure 15 row 241 has a first shaded design);

selecting a second elemental image, said second image consisting of design (see figure 15 the row below 210 has a second shaded design);

positioning a plurality of rows of the first image on an object having a non-planar surface (see figure 15, the designs on 241 is positioned with lenticular lens, 230, lenticular lens is curved), wherein said rows of the repeated first image differ from row to row and are horizontally and differentially spaced apart (241 and 230 are Lv2 spaced apart); and

positioning a plurality of rows of the second image on an object having a non-planar surface (see figure 15, the designs on 210 is positioned with lenticular lens 220), wherein said rows of the repeated first image differ from row to row and are horizontally

and differentially spaced apart (the design on the second row is spaced apart by  $V_m$ ). Suzuki does not disclose non-planar surface about an axis produces an animated loop from the rows of said first and second images on center line. Anderson reads on non-planar surface about an axis produces an animated loop from the rows of said first and second images on center line (see figures 1-3, showing plurality vertical partial images which make up the entire image of the object, figure 5 shows image is generated by rotating the cylindrical object). One skilled in the art would include such feature because to have a machine automatically rotate the cylindrical device without having the user wearing 3D glasses which allow the user to enjoy the 3D images more.

With regards to claim 2, see the rationale for claim 1.

With regards to claim 5, Suzuki discloses a stereogram as recited in claim 2, wherein the repeated elements are designs (see figure 15 row 241).

With regards to claims 6-9 see the rationale for claim 1.

3. Claims 3 and 4 are rejected under U.S.C. 103(a) as being unpatentable over Suzuki '425 in view of Anderson '294 as applied to claim 2 further in view of Sussman (US pat no 5,641,289).

With regards to claims 3 and 4, Suzuki and Anderson do not disclose text or symbols on the 3D displaying device. Sussman discloses text or symbols on the 3D displaying device (see figure 1). One skilled in the art would include such feature because to allow the 3D displaying to display more variety of images, improving flexibility of the system.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEX LIEW whose telephone number is (571)272-8623 or cell (917)763-1192. The examiner can be reached anytime.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew C Bella/

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Supervisory Patent Examiner, Art  
Unit 2624

/Alex Liew/  
AU2624  
7/7/09